

REMARKS

This is a full and timely response to the non-final Office action mailed October 10, 2007. Reexamination and reconsideration in view of the foregoing amendments and following remarks is respectfully solicited.

Claims 1, 3-20 are pending in this application, with claims 1, 10 and 17 being the independent claims. Claims 1 and 10 have been amended and claim 2 has been canceled. No new matter is believed to have been added.

Rejections Under 35 U.S.C. § 103

Claims 1-20 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Salvo et al (U.S. Patent No. 6,341,271, hereinafter Salvo). The Examiner stated that Salvo teaches an inventory replenishment system that comprises a plurality of bin monitors, where each of the plurality of bin monitors includes a sensor and a transmitter. The Examiner stated that Salvo teaches that other methods can be used to determine the amount of inventory, but admitted that Salvo does not teach monitoring for when a reserve bin is accessed to replenish a primary bin. However, the Examiner then stated it would have been obvious to one of ordinary skill in the art to modify Salvo to monitor when a reserve bin is accessed because doing so would provide notification that the inventory in the receptacle has been depleted.

Applicants respectfully disagree, and submit that the claimed invention is patentably distinct over the cited Salvo reference. Furthermore, applicants have amended independent claims 1 and 10 to further distinguish over the cited references. Applicants submit that these amended independent claims clearly distinguish over Salvo.

Specifically, amended independent claim 1 clarifies that each of the plurality of bin monitors corresponds to “one of a plurality of inventory storage devices, where each of the plurality of inventory storage devices includes a primary bin coupled to a reserve bin” and where each of the plurality of bin monitors a sensor, where the sensor monitors “for when a reserve bin accessed to replenish a primary bin”. Thus, the claimed invention is one where a particular type of inventory action (*i.e.*, replenishment of a primary bin from a coupled reserve bin) is monitored for and transmitted to the inventory

control system.

Applicants submit that such a distinction is not merely an obvious modification of the Salvo reference. First, there is no evidence that Salvo even contemplates the use of “inventory storage devices” that include “a primary bin coupled to a reserve bin”. Instead, Salvo only describes the use of a “receptacle 104”, where the receptacle is described as comprising any type of storage device. There is nothing in Salvo that even hints that the receptacles 104 could comprise a combination of any type of primary bin coupled to any type of reserve bin. Furthermore, Salvo specifically states that “the shape and material of each receptacle may differ and do not effect the operation of the inventory management system 100”. See column 4, 15-18 of Salvo. Thus, Salvo effectively ignores the configuration of the receptacles.

This is in explicit conflict with the claimed invention, which recites that inventory storage devices have both “a primary bin coupled to a reserve bin” and recites bin monitors that specifically monitor for access of the reserve bin to replenish the primary bin.

Second, the Salvo reference clearly teaches an “amount indicator 108 that provides signals indicative of an inventory **amount**” (emphasis added). See column 4, lines 31-33 of Salvo. Examples given include level sensors, weight indicators and volume analyzers. See column 4, lines 38-41 of Salvo. In contrast, the claimed invention is one where the sensor monitors for “when a reserve bin is accessed to replenish a primary bin”. This is clearly an **indication of transfer, not just a simple indication of amount**. Transfer from one bin to the other is clearly an event, while an amount is just an indication of quantity, and thus they are not equivalent in any sense. Nor would one skilled in the art see monitoring for transfer as an obvious substitution for monitoring inventory amount. Applicants thus submit that “monitoring for when a reserve bin is accessed to replenish a primary bin” is not an obvious modification of “providing signals indicative of an inventory amount”.

Thus, as Salvo fails to teach both “inventory storage devices” that include “a primary bin coupled to a reserve bin” and bin monitors that monitor “for when a reserve bin is accessed to replenish a primary bin”, applicants submit independent claim 1 is

patentably distinct over the Salvo reference. Furthermore, as independent claims 10 and 17 include similar limitations, they are submitted to be patentably distinct over Salvo for the same reasons. Furthermore, as claims 2-9, 11-16 and 17-20 depend from, and include all the limitations of their respective independent claims, they are also submitted to be patentably distinct for the same reasons.

Conclusion

Based on the above, independent claims 1, 10 and 17 are patentable over the citations of record. The dependent claims are also deemed patentable for the reasons given above with respect to the independent claims and because each recite features which are patentable in its own right. Individual consideration of the dependent claims is respectfully solicited.

The other art of record is also not understood to disclose or suggest the inventive concept of the present invention as defined by the claims.

Hence, Applicant submits that the present application is in condition for allowance. Favorable reconsideration and withdrawal of the objections and rejections set forth in the above-noted Office Action, and an early Notice of Allowance are requested.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

If for some reason Applicant has not paid a sufficient fee for this response, please consider this as authorization to charge Ingrassia, Fisher & Lorenz, Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

INGRASSIA FISHER & LORENZ

Dated: January 9, 2008

By: /S. JARED PITTS/
S. Jared Pitts, Reg. No. 38,579
(480) 385-5060